

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUTH IYUN,

Plaintiff,

CIVIL CASE NO. 06-13652

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are the parties' cross motions for summary judgment and the Report and Recommendation of the Honorable Steven D. Pepe, United States Magistrate Judge. The Magistrate Judge recommends that this Court deny Plaintiff's motion for summary judgment and grant Defendant's motion for summary judgment, thereby affirming the ALJ decision denying disability benefits. The Magistrate Judge served the Report and Recommendation on all parties on October 26, 2007 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately November 12, 2007. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #16] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment [docket entry #8] is **DENIED**.

IT IS FURTHER ORDERED that the Defendant’s motion for summary judgment [docket entry #14] is **GRANTED**.

SO ORDERED.

Dated: January 18, 2008

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on January 18, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

James A. Brunson; Mikel E. Lupisella; Commissioner of Social Security, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845